



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARVEL CHARACTERS, INC.,

Plaintiff,

-against-

21-CV-7955 (LAK)

LAWRENCE D. LIEBER,

Defendant.  
----- x

MARVEL CHARACTERS, INC.,

Plaintiff,

-against-

21-CV-7957 (LAK)

PATRICK S. DITKO,

Defendant.  
----- x

MARVEL CHARACTERS, INC.,

Plaintiff,

-against-

21-CV-7959 (LAK)

KEITH A. DETTWILER,

Defendant.  
----- x

## ORDER

LEWIS A. KAPLAN, *District Judge.*

Plaintiff's motion in each of these three cases to consolidate these actions is granted to the extent that the actions are consolidated for all pretrial purposes. It is denied without prejudice to renewal insofar as these motions seek consolidation for trial at the later of (a) 40 days following the conclusion of discovery and (b) the determination of all motions for summary judgment.

The Court recognizes that the apparently dispositive "work-for-hire" issue to some extent might involve somewhat differing proof with respect to each of the three defendants. But the

questions of whether the defendants' respective contributions were works for hire also is likely to implicate facts common to all of them. Indeed, it is not at all unlikely that each of the three defendants will prove to have information relevant to the cases of the other two. In these circumstances, pretrial proceedings should be consolidated in the interests of efficiency and of justice. The determination of whether there should be one, two or three trials, if any trial ultimately proves necessary, can and is deferred until a later date.

Accordingly, the three motions (21-cv-7955 Dkt. 36; 21-cv-7957 Dkt. 28; 21-cv-7959 Dkt. 34) all are granted to the extent indicated above and otherwise denied without prejudice.

All papers filed in these cases prior to any trial shall be filed in and bear the caption of 21-cv-7955 with the addition below that docket number of the following

and consolidated cases  
21-cv-7957 and 21-cv-7959

and all docket entries shall be spread to all three cases.

SO ORDERED.

Dated: March 25, 2022

/s/ Lewis A. Kaplan

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Lewis A. Kaplan  
United States District Judge